

## **REMARKS**

Claims 1 to 2, 4 to 37 and 39 to 41 are pending in the present application. Claims 1, 23, 24, 29, 31 to 36 and 39 have been amended, and new claims 40 and 41 have been added, for which there is support in the specification, claims and drawings as originally filed. Claims 3 and 38 have been canceled without prejudice.

Reconsideration of the Examiner's decisions and reexamination of this application are respectfully requested.

### **U.S. Patent Application Publication US2002/0191635 to Chow ("Chow") is not prior art:**

Applicants are submitting herewith a Declaration under 37 CFR §1.131 providing evidence of conception of Applicants' invention prior to the effective filing date of Chow coupled with diligence after the effective filing date of Chow and continuing until Applicants filed their patent application on August 21, 2001.

It is noted that one of the inventors of the instant application, William F. Jerome, could not be found to sign the Declaration so a Petition is being filed even date herewith for a waiver of the signature requirement.

It is also noted that Applicants in any prior response have **not** admitted that Chow was prior art.

In view of the Declaration under 37 CFR §1.131, it is respectfully requested that Chow be removed as prior art.

### **The §103 rejections:**

I. Claims 31 to 33, 36 and 37 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over U.S. Patent 6,735,619 to Sawada (hereafter "Sawada") in view of U.S. Patent 5,787,363 to Scott (hereafter "Scott").

Applicants have amended claim 31 to clarify that the invention is directed to a home network and apparatus wherein the apparatus includes a telephone modem to receive a call directly from a cellular phone over a circuit-switched, voice telephony network and to receive and transmit data over the network. The apparatus further includes “a dial-in server module to implement dial-in logic for the cellular phone”. The net of these two provisions of claim 31 means that a user can use a cellular phone to directly call into the apparatus, gain access to the home network by a simple phone call and then interact with the home network by receiving and transmitting data.

There is no combination of Sawada and Scott which teaches these limitations of Applicants’ claim 31.

Sawada discloses a service provider for link 38 (CATV or ISDN) and internet 40 for connection between the browser and the home network. Scott discloses a cellular phone 32 connecting to a gateway 14 and then a PSTN network 18. Scott, however, is deficient in at least two respects. According to claim 31, there is required a telephone modem to **directly** receive an incoming call from the cell phone. In Scott, there are intermediate modems 36, 38 which divide any transmitted data from the cell phone into cellular data and PSTN data before it actually gets to the modems 20 of the user. Accordingly, the modems 20 in Scott do **not** directly receive an incoming call from the cell phone. Sawada of course does not use a modem since data is transmitted by the internet and CATV. Secondly, it appears as though data is transmitted only one way by Scott, going from the cell phone indirectly to the modems 20 and then a computer or server. There does not appear to be transmission of data from the modems 20 to the cell phone. Thus, there appears to be no way for the Scott apparatus to interact (by transmitting and receiving data) with a remote service. While Sawada enables interaction with a remote service, this is done by the internet and CATV and not by a voice telephony network as required by Applicants’ claim 31,

Thus, even if Scott were to be combined with Sawada, the combination would be deficient since there is no disclosure of a telephone modem directly receiving an incoming call and which also receives and transmits data over the voice telephony network. Accordingly, the combination of Sawada and Scott cannot render obvious Applicants’ claim 31.

Inasmuch as claims 32, 33, 36 and 37 depend from claim 31, and since claim 31 is believed to be patentable, then claims 32, 33, 36 and 37 should be patentable as well.

**II.** Claims 1, 2, 4 to 16 and 27 to 30 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over U.S. Patent Application Publication US2002/0191635 to Chow (hereafter “Chow”) in view of Sawada.

**While Applicants are responding to the rejections of the claims, Applicants are not admitting that Chow is prior art with respect to any of Applicants’ claims as Applicants have been able to antedate Chow as indicated above.**

It is submitted that the Examiner has failed to state a *prima facie* case of obviousness.

Claim 1 has been amended to clarify that only a voice telephony network is employed in the present invention and that any connecting to a serving entity is done by using a client device and the voice telephony network. The method further requires enabling remote control of services only by the voice telephony network.

Applicants’ claim 1 requires “employing only a ...voice telephony network, said user connecting to a serving entity attached to said home data distribution network using a client device attached to the ...voice telephony network...”. In Chow, there does not appear to be any serving entity attached to the home network. The home network mostly consists of a modem and access ports and no serving entity. Further, any communication by Chow to the home network, even if it were to include a serving entity is by broadband which is contrary to “employing only a ...voice telephony network” as required by claim 1.

Claim 1 further recites “enabling remote control of services at the home data distribution network only by the ...voice telephony network”. According to paragraphs [0034-0039] of Chow, a portion of which is reproduced below:

“[0034] Service provided by the present invention includes:

...

[0039] e. A home or business with broadband network connectivity and a home or business networking platform enables a subscriber to send, receive and browse information **via a service provider's broadband packet network** to and from the traditional data/voice packet network (i.e., Internet). The services typically include traditional Internet service features and applications.” [emphasis added].

Thus, it can be seen that in Chow any communications with the home network are over the broadband network and not a voice telephony network. This is directly contrary to Applicants' claim 1 in which remote control of services occurs “only by the ...voice telephony network...”.

Sawada may teach other steps of Applicants' method but fails to supply the deficiencies of Chow. Among other deficiencies, Sawada requires a broadband service provider for link 38 (CATV or ISDN) and internet 40 which is directly contrary to Applicants' claim 1 in which remote control of services occurs “only by the ...voice telephony network...”. Thus, the combination of Chow and Sawada fails to teach each and every limitation of Applicants' claim 1.

Inasmuch as claims 2 and 4 to 16 depend from claim 1, and since claim 1 is believed to be patentable, then claims 2 and 4 to 16 should be patentable as well.

In addition, claims 4, 5, 8 and 12 are submitted to be independently patentable.

Claim 4 recites “wherein the step of connecting includes dialing-up directly to the serving entity”. The Examiner points to paragraph [0032] of Chow which allegedly discloses this feature. A close reading of paragraph [0032] does **not** disclose any dialing-up to any serving entity attached to the home network. In Chow, it does not appear that there is any serving entity attached to the home network but even if it were, all communications would be by broad band and **not** by dialing up. See Figure 1 which discloses “Broadband Transport Link (e.g., Coaxial, xDSL)” connecting to the home data network.

Claim 5 recites “wherein the step of viewing is performed employing a viewing device collocated with said client device”. The client device is the client device in claim 1 attached to a cellular, circuit-switched, voice telephony network. The Examiner's reference to Sawada (col. 4, lines 47-48) is misplaced. The terminals in Sawada which apparently have a viewing device are

not the same as the client device in claim 5 since the client device in claim 5 is attached to a cellular, circuit-switched, voice telephony network which is different from the terminals in Sawada. Thus the combination of Chow and Sawada cannot render Applicants' claim 5 obvious.

Claim 8 recites "wherein the step of viewing is performed employing a web-browser and the serving entity is a web-server". Sawada does disclose a web-browser and a web-server. However, since claim 8 depends from claims 5 and 1, reading these claims together requires the web-browser collocated with the client device wherein the client device is attached to a cellular, circuit-switched, voice telephony network. In the case of Sawada, the web-browser is at a terminal and not collocated with the client device. Therefore, the combination of Chow and Sawada cannot render Applicants' claim 8 obvious.

Claim 12 recites "further comprising said serving entity employing attributes of said circuit switch network in authenticating said user." The Examiner pointed to paragraph [0032] of Chow. However, there is nothing in paragraph [0032] of Chow pertaining to authentication and certainly nothing relating to authentication "employing attributes of said circuit switch network".

Claims 27 to 30 are allowable for the same reasons advanced in favor of claim 1. In addition and with particular reference to claim 29, claim 29 recites "user connecting means for said user connecting to a serving entity using only a cellular phone attached to a ... voice telephony network, said user connecting means employing only a... voice telephony network..., and enabling remote control of services at a residential network only by the cellular phone through the ...voice telephony network;". There is no combination of Chow and Sawada that can teach this aspect of Applicants' claim 29 since, among other reasons, both Chow and Sawada enable the remote control of services at a residential network **with** the necessity of a broadband service provider. Neither Chow nor Sawada enable the remote control of service through a voice telephony network. That is, wherein Applicants' cellular phone attached to a voice telephony network enables remote control of services at a residential network, Chow enables remote control of services by broadband and Sawada only teaches remote control residential services by a computer through the internet.

**III.** Claims 3 and 38 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over Chow in view of Sawada and further in view of Kawasaki et al. U.S. Patent 6,998,070, Smart Antennas for wireless communication to Liberti et al., and Hefter U.S. Patent 7,092,699.

Claims 3 and 38 have been canceled without prejudice.

**IV.** Claims 17 to 22 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over Chow in view of Sawada and further in view of Kawasaki et al. U.S. Patent 6,988,070.

Inasmuch as claims 17 to 22 depend from claim 1, and since claim 1 is believed to be patentable, then claims 17 to 22 should be patentable as well. No independent ground of patentability is asserted for claims 17 to 22 at this time.

**V.** Claims 23 and 24 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over Chow in view of Sawada and further in view of Smart Antennas for wireless communications to Liberti et al.

Inasmuch as claims 23 and 24 depend from claim 1, and since claim 1 is believed to be patentable, then claims 23 and 24 should be patentable as well. No independent ground of patentability is asserted for claims 23 and 24 at this time.

**VI.** Claims 25 and 26 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over Chow in view of Sawada and further in view of Hefter.

Inasmuch as claims 25 and 26 depend from claim 1, and since claim 1 is believed to be patentable, then claims 25 and 26 should be patentable as well. No independent ground of patentability is asserted for claims 25 and 26 at this time.

**VII.** Claims 34 to 35 and 39 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over Chow in view of Sawada.

Inasmuch as claims 34 to 35 and 39 depend from claim 31, and since claim 31 is believed to be patentable, then claims 32 to 35 and 39 should be patentable as well.

New claims 40 and 41:

New claims 40 and 41 have been added to further clarify the voice telephony network in claim 1. Thus, the voice telephony network may consist of a cellular network or may be a combination of a cellular network and a PSTN network. Support for these claims can be found at paragraph [0021] of Applicants' published patent application.

Summary:

In view of all of the preceding remarks, it is submitted that all of claims 1 to 2, 4 to 37 and 39 to 41 are in condition for allowance. Further action with respect to the present application is earnestly solicited. If the Examiner finds any of the claims deficient, the Examiner is invited to telephone the undersigned at the Examiner's earliest convenience to resolve such deficiency.

Respectfully submitted,

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